

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

CLARENCE OTWORTH,
In his individual capacity,

Plaintiff,

v.

TONY MOULATSIOTIS,
In his official capacity,
LISA SWANSON,
In her individual capacity,

Defendants.

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RESPONSE OF DEFENDANT MOULATSIOTIS
OPPOSING PLAINTIFF'S "MOTION FOR SUMMARY JUDGMENT"
(ECF NO. 14)

Plaintiff Otworth's "*Motion for Summary Judgment*" (**ECF No. 14**) is a nearly verbatim reprint of his other pending "*Motion for Summary Judgment*" (**ECF No. 10**). To be specific, the only changes are the addition of an "*and*" in the opening paragraph, the deletion of paragraphs 4 and 5, and an inconsequential re-wording of paragraph 25.

In that context, Defendant Tony Moulatsiotis responds in opposition to Otworth's new "*Motion for Summary Judgment*" (**ECF No. 14**) by express reference to and incorporation herein of ECF No. 12, PageID.179-191 -- i.e., Moulatsiotis' prior response to Otworth's pending **ECF No. 10**. Otworth's motions are defeated by the prior judgments against him, particularly ***Otworth v. Budnick***, 594 Fed. Appx. 859 (6th Cir. 2014).

Indeed, as explained in Moulatsiotis' prior submissions, this Court has already recognized the preclusive effect of the ***Otworth v. Budnick*** decision against any further claims by Otworth in this regard. (**ECF No. 8-4, PageID.82-108; ECF No. 8-5, PageID.110-115; ECF No. 8-7, PageID.130-148; ECF No. 8-8, PageID.150-152**). On October 27, 2020, the United States Court of Appeals for the Sixth Circuit issued its orders *affirming* these prior decisions of this Court. (**Ex A: 6th Circuit Order, Otworth v. Fifth Third Bank, et al., 6th Cir. Case No. 20-1286; Ex B: 6th Circuit Order, Otworth v. Moulatsiotis, et al., 6th Cir. Case No. 20-1303**).

Again, Otworth's succession of Complaints is nothing but harassment of the Defendants in defiance of the prior judgments of this Court and the Sixth Circuit. Otworth's persistent and redundant submissions to this Court only confirm why this Court should enter an order subjecting Otworth to pre-filing review of any future complaints that he submits to the clerk. ***Feathers v. Chevron U.S.A., Inc.***, 141 F.3d 264, 269 (6th Cir. 1998), ***Tropf v. Fidelity National Title Ins. Co.***, 289 F.3d 929, 940 (6th Cir. 2002).

Respectfully submitted,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

Dated: October 30, 2020

/s/ Allan C. Vander Laan

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CERTIFICATE OF COMPLIANCE

Defendant, Tony Moulatsiotis, in compliance with LCivR 7.2(b)(i), used 304 words in his Response Opposing Plaintiff's "Motion for Summary Judgment" (ECF No. 14). Microsoft Word 2013 (Official Microsoft Version Number is 15.0.5031.1000) is the word processing software used to generate the word count in the attached brief.

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, I electronically filed the with the Clerk of the Court, Defendant Moulatsiotis' Response Opposing Plaintiff's "Motion for Summary Judgment" (ECF No. 14) using the ECF system which will send notification of such filing to all counsel of record.

I hereby certify that I have mailed by United States Postal Service the same to the following non-ECF participants:

Clarence Otworth
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/s/ Allan C. Vander Laan
Allan C. Vander Laan